

TOWN OF BROOKLYN
Regular Monthly Town Board Meeting
December 13, 2005 - 7:00 P.M.
W1208 State Road 23-49 ---- Green Lake, WI
e-mail: brooklyn@dotnet.com
Web: www.tn.brooklyn.wi.gov

Minutes

- ❑ Call Meeting to order. – [Due to the fact that the Chairman is not present, the Clerk called the meeting to order at 7:00 p.m.] Present: Ron Benson, Supervisor; Susan McConnell, Supervisor; Kathleen Morris, Treasurer; Marian Mildebrandt, Clerk; Elizabeth Rowley, Assessor; Robert Wertsch, attorney, M/S by Ron Benson/Susan McConnell that Susan McConnell chair the meeting. Motion passed, 2-0.
- ❑ Pledge of Allegiance said by all in attendance.
- ❑ Approve Minutes of November 8, 2005 meeting. M/S Ron Benson/Susan McConnell to approve minutes as presented. Motion carried.
- ❑ Financial Report – Kathleen Morris, received Shared Revenue and Library grant. Total town assets = \$271,633.43 including 2 CD's (37,500.00 & \$35,139.05). Motion to accept M/S Ron Benson/Susan McConnell – Motion carried.
- ❑ Treasurer's Report
 - Approval of checks written from November 8, 2005 – December 10, 2005. Check numbers 8409 thru 8521 Totaling \$48,375.16 M/S Ron Benson/Susan McConnell to approve checks, motion carried.
- ❑ Library Report – on activities - No Report
- ❑ Building Inspector – Report on permits issued – Issued 2 permits for November. Count for the year 16 last year 34 permits, 11 this year and 34 permits. Some are major alternation included in these figures.
- ❑ Fire Commission – Orlo Bierman – Report on monthly meeting with 1st Responders and Fire Commission. A lot of discussion about utilization of manpower and how calls are answered. Repairs continue on the firehouse. Fire agreement is completed and will be submitted shortly. Work rules for fire dept. and first responders, will be worked on in the coming months. The last agreement had some rules and policy procedures, the new one does not have.
- ❑ Plan Commission – Ron Benson –
 - **Item 1:** Request for Conditional use Permit for a Planned Unit Development (PUD), Michael & Mark Marks property, N5529 County Road A. 1.33 Acres. Description of land: Terrace Beach subdivision 2 S 25' of Lot 5; All of Lot 6; that part of Evergreen Isle S' ly of extended N line of above description; & the N 50' (recorded as 65') of Lot 7; also that part SE ¼ NE ¼ Sec 27 lying between said Lots and new road.
 - Omni Staff Report. Attached following minutes.
 - **Ron Benson:** Request is for four buildings. Upon reviewing the subdivision ordinance does not handle PUD's specifically. Omni interpreting from the subdivision ordinance where we have the 16,000 per sq footage. With the four houses, this does not meet this requirement. This was the main problem with the proposal. The Plan Commission 2 voted against and 5 voted to not pass the request. Most of the members were in favor of the plan, but they were concerned on how it would effect the town in the future. The Plan Commission really was in favor of the plan, but couldn't go against the Subdivision Ordinance.
 - Public Comment in Favor: Attorney Wertsch: Omni indicated that they would allow the plan with 3 houses. Mary & Mike Marks prepared a letter discussing some of the issues with the Omni report. The density requirements are the largest 60,520, sq. Ft. (1) on report. They feel there is a stronger tax base with 4 vs 3 homes. Holding tanks – were brought up, but they have a letter from Parker. Bill Kinas – testing on the site yesterday by Parker. It is not receptive to any other type of septic than a holding tank. Mary Marks – Omni Staff report page 2 – We are increasing green space with the new outlay – compared with the buildings and parking lot at this time. We will work with landscapers, we would also work with the lake for restoration to protect the lake. The pier system would have to go under the DNR requirements. They request that the town Board consider all items and accept the plan. Jerry Grout – next door to the north. Very unhappy Carvers is closing. He feels that they have put a lot of work into the plan and thinks it is a good alternative. Sydney Rouse – lot of the homes in the area do not have the square footage we are requiring. Betty Rowley, do we have anything on condos in our Subdivision Ordinance. Jerry Buhrows, a single family condo. Attorney Wertsch - The request said that it would be a single family units., - if you do decide to approve – it is appropriate for the town to put conditions. Mike Marks. – it can only be one family per unit. Bert Wertsch – one family per unit, approve landscaping, house design. Approval of covenant, what percentage of driveways can be impervious. Harley Reabe, the ideas are only ideas. Mary & Mike Marks – there would be a covenant for the architecture also. Bert Wertsch suggested putting plan as part of agreement.

Harley Reabe – Are there height restrictions for the homes.- Susan McConnell - that is controlled by the County.

▪ Public Comment Against - none

Ron Benson concern by the Plan Commission what will happen in the future if this is passed. Bert Wertsch– anytime you vary from the subdivision you can have the next one come and say you did for them. You have change with this being commercial/recreational. The ordinance on no holding tanks on new homes, but this land already has holding tanks. Susan McConnell– has Omnni report. Some things she is concerned about but she is in favor of the Plan. She feels that the density of this land would be less than what it is at present. She respects the comprehensive plan as she worked on it for 3 year. It is only a guide. Each property is unique. 5% shortage isn't much of an issue to her. M/S Susan McConnell/Ron Benson motion to approve this with some of the conditions and the plan be followed, the convenances, landscaping, as presented. Roll call – Susan McConnell Yes, Ron Benson Yes. Motion carried., 2-0

- Item 2: Request for Zone change from A3 to C-2 and conditional use permit for: Gas Station, restaurant, car wash and retail strip. B-2 Enterprises, LLC. 12.580 acres. CORNER OF Hwy 23/49, County Road A, Description of Land: A parcel of land located in the Southeast ¼ of the Southwest ¼ of Section 15, Town 16 North, Range 13 East, Town of Brooklyn, Green Lake County, Wisconsin, being more particularly described as follows: Commencing at the South ¼ corner of said Section 15; thence N00 –14'-45" W along the east line of the Southeast ¼ of the Southwest 14 as established by Certified Survey Map No. 11202 528.41 ft. to the Point of Beginning; thence S87 – 13'-00" W 1143.84 ft.; thence No2 – 24'-08"E 485.80 ft.; thence N87 – 3'0" E along the south line of Certified Survey Map No. 1202 and extension thereof 1121.51 ft. to the southeast corner of C.S.M. No. 1202; thence S00 – 12'-45"E 484.28 ft. to the Point of Beginning, containing 12.580 acres more or less; together with and being subject to a right-of-way easement for ingress and egress to State Trunk "23".

- Was held over for lack of information (See Omnni Staff Report). – Ron Benson. Basic items were missing. M/S Ron Benson/Susan McConnell to table at this time and inform the county that this is action until it comes. Roll Call: Ron Benson Yes, Susan McConnell Yes. Motion carried. Information will be sent to the county informing them of the vote.

□ Chairman Report, Mike Wuest

- Increase for hourly employees per budget for 2006.M/S by Ron Benson/Susan McConnell to raise Town Hourly employees for .25 cents per hour. Roll Call: Ron Benson Yes, Susan McConnell Yes. Motion carried.
- Operator's License Stanley Jezeski. Clerk explained situation regarding Background check. Motion to approve the operators license. M/S Ron Benson/Susan McConnell to approve Operator's license for Stanley Jezeski. Roll Call: Ron Benson Yes; Susan McConnell; Yes, Motion carried. 2-0

□ Public Comment – Someone wanted to know about Carver's liquor license since they are no longer in business.– Clerk Mildebrandt informed the Board that they have turned it in and we will be issuing a refund for days not used.

□ Next meeting January 10, 2006 7:00 p.m.

□ Adjournment. – M/S Ron Benson/Susan McConnell to adjourn, Motion carried 2.0 8:10 p.m.

Requests from persons with disabilities that need assistance to participate in this meeting or hearing should be made to the Town Office at 294-6600 with as much advance notice as possible.

Marian Mildebrandt, Clerk

Planning Staff Report

Prepared By OMNNI Associates

Associate Planner – Adam Sayre

For the Town of Brooklyn, Green Lake County, WI

December 8, 2005

APPLICATION:

CUP – Planned Unit Development (PUD)
Michael and Mary Marks

FACTS OF CASE:

Michael and Mary Marks are seeking a conditional use permit for a planned unit development on a 1.33-acre parcel. The property is zoned as recreational district, which requires a conditional use permit for the establishment of condominium developments.

If the conditional use permit is approved, the property owner proposes to demolish the existing structures on the property, and construct four (4) condominium units. The Town of Brooklyn *Future Land Use Map* within the *Town of Brooklyn Comprehensive Master Plan* shows this parcel as future recreation/commercial. The proposed planned unit development would not conform exactly to the *Future Land Use Map* (which assumed the Carvers Supper Club would remain a local business), but is allowable as a conditional use in the recreational zoning district.

ORDINANCE REQUIREMENTS:

Zoning. The *Town of Brooklyn Land Division and Subdivision Ordinance* states “area and average lot width of all lots and land areas shall conform to the *Green Lake County Zoning Ordinance* or shall be one hundred (100) feet wide and twenty thousand (20,000) square feet of net usable area”. The Brooklyn Ordinance also states: “The Ordinance is expressly applicable to Condominium Developments within the Town’s jurisdiction, pursuant to Wisconsin Statutes, Section 703.27(1). For purposes of this Ordinance, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of subdivision and reviewed in the same fashion by the Town, including design requirements provided in Articles 5. However, the technical requirements for Preliminary Plats shall not apply since condominiums have separate technical standards set forth in Wisconsin Statutes, Chapter 703”.

Marks Parcel (1.33 acres)	Number of Units Allowed
Conservation	3
Land Division	2

A condominium is a form of ownership where no real land division takes place. Since condominiums do not divide land, density is used to determine the allowable number of condominium units by comparing condo units to lot sizes. Density requirements in Brooklyn allow one (1) house for every 16,000 sq. ft of land. A condo development is evaluated the same way with one (1) condo unit being allowed for each 16,000 sq. ft. of land. This allows for a maximum of three (3) units on this parcel. The application is for four (4) units.

RELATION TO THE COMPREHENSIVE PLAN:

The *Town of Brooklyn Comprehensive Master Plan Map* shows this area as recreation/commercial, but does not provide any more details for this site. However, the Town's plan does provide several goals addressing housing and natural resources. The following goals are listed in the plan and should be considered with this application:

- Carefully plan for residential development and encourage the majority of new development to occur around existing infrastructure and populated areas.
- Encourage infill development to provide housing by increasing density in already populated areas as opposed to creating sprawl that will be detrimental to the area's existing rural aesthetics.
- Work with County Officials to create ordinances regarding lakeshore development and shoreland vegetation removal practices.
- Encourage the majority of new development to occur around existing populated areas.
- Limit development of condos and apartments on the Lake to reduce multi-pier usage.
- Enact an Ordinance prohibiting the use of holding tanks on new construction.

ROLE OF THE PLANNING COMMISSION:

To review the application and study the appropriateness of the action based on the *Town of Brooklyn Comprehensive Master Plan* and applicable codes and ordinances. To consider comments and suggestions from residents in the Town. To provide a recommendation on the matter to the Town Board.

ADDITIONAL PLANNING / ZONING CONSIDERATIONS:

The Planning Commission needs to consider other issues/concerns with this PUD development:

1. Density – The proposed four (4) units exceed the density allowed by the *Town of Brooklyn Land Division & Subdivision Ordinance*. The maximum number of units allowed on this parcel is three (3) if treated the same as a conservation subdivision.
2. Holding Tanks – The *Green Lake County Ordinance* states: "The installation of a holding tank is prohibited unless the condition in Subsection A(1), (2) or (3) exists (Please refer to section

334-13 Holding Tanks of the Green Lake County Ordinance)". No sanitary information has been submitted. A clustered sanitary and well system is strongly encouraged.

3. Stormwater Management Plan – A Stormwater Management Plan is required if impervious surface on this parcel exceeds 5,000 square feet.
4. Vegetative buffer – Due to the increased intensity of land use for this parcel, a vegetative buffer, that meets Best Management Practices, is strongly encouraged to be installed along the Shoreline to protect water quality. The Green Lake County Land Conservation Department can provide assistance with shoreland restoration projects.
5. Piers – The sketch indicated increased waterfront usage by future unit owners. All appropriate permits for any piers or docks must be obtained from the DNR.

OMNNI RECOMMENDATION ON APPLICATION FOR TOWN CONSIDERATION:¹

Denial of this application - as submitted - due to the fact that the density is in excess of that permitted by the Town of Brooklyn Land Division and Subdivision Ordinance.

A revised application for a condominium PUD that adheres to the density requirements established within the Town's ordinances and provides all required information for review could be approved on this site.

¹ OMNNI Recommendations are based on professional planning staff review of application materials provided to OMNNI. The final decision is to be made by the Town based on facts and testimony received during their public meeting. This report provides information and opinion for Town consideration.

Planning Staff Report

Prepared By OMNNI Associates

Associate Planner – Adam Sayre

For the Town of Brooklyn, Green Lake County, WI

December 8, 2005

APPLICATION:

CUP – Gas Station, Restaurant, Car Wash, Retail Strip
B-2 Enterprises

FACTS OF CASE:

B-2 Enterprises is seeking a conditional use permit for a gas station, restaurant, car wash, and retail strip center. The property is currently zoned C-2, extensive commercial district, requiring a conditional use permit for the gas station, restaurant, car wash and retail strip center. These uses are all consistent with this zoning district and the Town of Brooklyn Comprehensive Plan.

ORDINANCE REQUIREMENTS:

The *Green Lake County Zoning Ordinance* lists requirements for granting conditional use permits. Section 7.2 of the *Green Lake County Zoning Ordinance* states: "Application for a conditional use permit shall be made to the County Planning Office, and shall be accompanied by the following:

- Detailed site plan, drawn to scale, identifying such items as existing and proposed buildings, building height, septic system, drainage ways, water courses, streams, lakes, lot lines, contours, areas to be filled or altered, wetlands, roads, existing and proposed parking areas, and any other relevant physical features,
- Detailed description of the proposed activity (operational plan).
- Any additional information, as required by the County Planning Office, which may be pertinent to the proposed conditional use.

The *Town of Brooklyn Comprehensive Master Plan* does not specifically address all the uses on this conditional use application. The plan map indicates this property should be used for future commercial purposes. Moreover, the plan:

- Encourages a variety of industrial and service businesses, such as restaurants, food processing facilities, banks, stores, real estate agencies, computer sales with installation and instruction services, and boat and marine services.
- Encourages a variety of professional offices and research centers, such as medical offices, legal offices, and experimental research labs.
- Encourages businesses that will compliment the rural character of the Town and the quaint, nostalgic character of downtown Green Lake.

ADDITIONAL PLANNING/ZONING CONSIDERATIONS:

The Planning Commission needs to consider other issues/concerns with the B-2 Enterprises conditional use application. B-2 Enterprises should submit the following to the Town:

- Grading and Filling plans
- Stormwater management plan showing how stormwater will be controlled
- Location, height and type of future signs on the property.
- Dimensional requirements for any proposed building on the site.
- Operation plan detailing types of retail, type of restaurant, number of cars the car wash serves, size of fuel island, details about the grocery/convenience store, etc.
- Architecture designs of all proposed buildings.
- Proposed lighting showing locations, hours of operation, etc.

Another potential concern is access to this parcel. The drawings submitted to the Town of Brooklyn show a “proposed easement” from the parcel to CTH A. Has this easement been granted? What guarantees are in place to ensure this easement will always be available in the future? The Town needs to consider this easement when approving or denying this application.

ROLE OF THE PLANNING COMMISSION:

To review the application and study the appropriateness of the action based on the *Town of Brooklyn Comprehensive Master Plan* and applicable codes and ordinances. To consider comments and suggestions from residents in the Town. To provide a recommendation on the matter to the Town Board.

OMNNI RECOMMENDATION ON APPLICATION FOR TOWN CONSIDERATION:²

Table the conditional use permit application and request additional information from B-2 Enterprises to address the ADDITIONAL PLANNING/ZONING CONSIDERATIONS outlined in this staff report. The necessary information needs to be submitted prior to the next Planning Commission meeting.

² OMNNI Recommendations are based on professional planning staff review of application materials provided to OMNNI. The final decision is to be made by the Town based on facts and testimony received during their public meeting. This report provides information and opinion for Town consideration.